

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-19 are pending in this application. Claim 1 is currently amended.

Restriction Requirement

Applicants note the Examiner's indication in the present Office Action that the February 23, 2010 Restriction Requirement is deemed FINAL. However, Applicants respectfully submit for the reasons discussed in the traversal included in Applicants' March 23, 2010 Response, the Restriction Requirement is improper. Further, Applicants respectfully submit the Examiner ignored Applicants' arguments regarding the failure of the February 23, 2010 Restriction Requirement to establish the existence of a **serious burden** as is required to support a proper Restriction Requirement. Accordingly, Applicants reiterate those arguments below and respectfully request the Examiner's response.

Specifically, M.P.E.P. § 803 which states:

"If the search and examination of an entire application can be made without serious burden, the Examiner must examine on the merits, even though it includes claims too distinct or independent invention." (emphasis added)

Further, there are two criteria for a proper requirement for restriction. First, the invention should be independent or distinct, and second:

"2) there must be a serious burden on the Examiner if a restriction is not required. See M.P.E.P. §803.092, 806.04 A through J, 808.01(a) and 808.02."

Accordingly, in order for a Restriction Requirement to be proper, there must be a **serious burden** on the Examiner if restriction is not required.

Applicants respectfully submit there would be **no serious burden** if the Examiner is required to examine Group II (claims 11-17). Specifically, Applicants respectfully note the Restriction Requirement represented at least the 9th Office Action in this case which received its first Office Action in 2006. Thus, the Examiner has, on multiple occasions, already considered all of claims 1-19. Consequently, it is inconceivable to Applicants that a **serious** burden on the Examiner could exist if the Examiner is required to examine all of claims 1-19 at least because claims 1-19 **have already been examined** numerous times.

Further, Applicants note the Examiner's assertion on page 2 of the June 2, 2010 Final Office Action that claims 1 and 11 are distinct. However, this argument ignores the **separate** requirement of a **serious burden**. Specifically, the Examiner has not established or even asserted that a **serious burden** would exist if required to examine claims **11-17** which have already been examined numerous times. Accordingly, the February 23, 2010 Restriction Requirement does not meet at least one of the two requirements for a proper Restriction Requirement cited above. Consequently, the Examiner's Restriction Requirement is improper and should be removed.

Allowed Claims

Claims 18-19 are allowed.

Drawings

Applicants also respectfully note the present action indicates that the drawings have been accepted by the Examiner.

Rejections under 35 U.S.C. § 103

Lee/Fapojuwu

Claims 1-6 and 8-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,649,000 to Lee et al. ("Lee") in view of U.S. Patent No. 5,937,353 to Fapojuwu ("Fapojuwu"). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully submit claim 1 has been amended and now recites: "wherein the dependent is unregistered based on an unregistration message sent to the controller from the master device when the signal strength of a signal transmitted between the dependent and the master device falls below a threshold value, the signal strength being measured at the master device". Applicants respectfully submit Lee fails to teach this limitation. Specifically, Lee teaches initiating a hand off operation based on a strength of pilot signals received at a pilot signal receiver 60 of a **mobile device**, not a master device as the limitations of claim 1 require. Further, Lee teaches initiating a hand off operation by sending a hand off request to the cellular control system 10 from a controller 10 of the **mobile device**, not from a master device as the limitations of claim 1 require (Lee: FIGS. 1 and 2; col. 7, ln. 43-67). Further, Fapojuwu likewise fails to teach the above-referenced limitations. Accordingly, Applicants respectfully submit neither Lee, nor Fapojuwu, alone or in combination, teach each of the limitations of claim 1 as amended.

Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection to claims 1-6 and 8-9 under 35 U.S.C. § 103(a).

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Fapojuwo and further in view of U.S. Patent No. 6,295,310 to Yamauchi et al. ("Yamauchi"). Applicants respectfully traverse this rejection for the reasons detailed below.

The deficiencies of Lee and Fapojuwo are discussed above and are relevant here because claim 7 depends from claim 1. Yamauchi fails to remedy these deficiencies. Accordingly, none of Lee, Fapojuwo and Yamauchi, alone or in combination, teach each of the limitations of claim 7. Consequently, the Examiner has not established a *prima facie* case of obviousness with respect to claim 7 as is required to support a rejection under §103.

Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection to claim 7 under 35 U.S.C. § 103(a).

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Fapojuwo and further in view of U.S. Patent No. 5,448,569 to Huang et al. ("Huang"). Applicants respectfully traverse this rejection for the reasons detailed below.

The deficiencies of Lee and Fapojuwo are discussed above and are relevant here because claim 10 depends from claim 1. Huang fails to remedy these deficiencies. Accordingly, none of Lee, Yamauchi, and Huang alone or in combination, teach each of the limitations of claim 10. Consequently, the Examiner has not established a *prima facie* case of obviousness with respect to claim 10 as is required to support a rejection under §103.

Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection to claim 10 under 35 U.S.C. § 103(a).

CONCLUSION

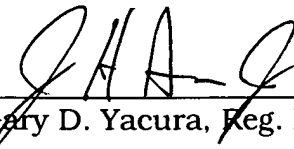
In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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